



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

NMA:JD
F.#2011R02050
Disc 5

271 Cadman Plaza East
Brooklyn, New York 11201

March 16, 2012

Via ECF

All Defense Counsel

Re: United States v. Vincent Badalamenti, et. al.
Criminal Docket No. 12-0050 (S-1)(CBA)

Dear Counsel:

The government hereby discloses a preliminary list of the recordings it intends to introduce at trial. The list is not exhaustive - the government reserves the right to supplant the list up to the time of trial. In the event the government intends to introduce transcripts of an individual recording as an aid for the jury at trial, draft transcripts of those recordings will be provided in advance of trial, pursuant to the standard stipulation governing draft transcripts.

All of the materials described below are available at DupeCoop. You may obtain these materials by contacting John Palermo at (973) 895-1359.

1. Statements of the Defendants

A. Consensual Recordings by CW #1

Description	Defendant(s)	Bates Number
Consensual recording dated 8/8/11	Graziano	2
Consensual recording dated 8/16/11	Graziano	3
Consensual recording dated 8/23/11	Graziano	4
Consensual recording dated	Calabrese	5

Description	Defendant(s)	Bates Number
8/30/11	Graziano	
Consensual recording dated 9/7/11	Badalamenti Santora	7
Consensual recording dated 9/7/11	Graziano	8
Consensual recording dated 9/9/11	Graziano Santora	9
Consensual recording dated 9/13/11	Graziano Santora	10
Consensual recording dated 10/4/11	Balsamo	11
Consensual recording dated 10/12/11	Graziano LaForte	13
Consensual recording dated 11/9/11	Graziano	16
Consensual recording dated 10/25/11	Cicala Armetta	

B. Consensual Recordings by CW #3

As set forth below, a cooperating witness ("CW-3"), who was an associate of the Colombo family, consensually recorded meetings with one or more of the defendants and their associates.

Description	Defendant(s)	Bates Number
Consensual recording dated 9/29/10	Badalamenti	250

C. Consensual Recordings by CW #6

As set forth below, a cooperating witness ("CW-6"), who was an inducted member of the Bonanno family, consensually recorded meetings with one or more of the defendants and their associates.

Description	Defendant(s)	Bates Number
Consensual recording dated 10/6/03	Badalamenti	261

D. Consensual Recordings by CW #4

As set forth below, a cooperating witness ("CW-4"), who was an inducted member of the Colombo family, consensually recorded meetings with one or more of the defendants and their associates.

Description	Defendant(s)	Bates Number
Consensual recording dated 4/28/11	Badalamenti	254
Consensual recording dated 11/30/11	Badalamenti	256

2. The Defendants' Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendants allow inspection and copying of (1) any books, papers, documents, photographs, tapes, tangible objects, or copies or portions thereof, which are in the defendants' possession, custody or control, and which the defendants intend to introduce as evidence or otherwise rely on at trial, and (2) any results of reports or physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, which are in the defendants' possession, custody, or control, and which the defendants intend to introduce as evidence or otherwise rely on at trial or which were prepared by a witness whom the defendants intend to call at trial.

The government also requests that the defendants disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid any unnecessary delay, we request that you have copies of these statements available for production to the government no later than the commencement of trial.

The government also requests that the defendants disclose a written summary of testimony the defendants intend to use under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for those opinions, and the witnesses' qualifications.

If you have further questions or requests, please
contact us.

Very truly yours,

LORETTA E. LYNCH
United States Attorney
Eastern District of New York

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cc: Clerk of the Court (CBA)